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May 15, 2009

**BY FACSIMILE**

Hon. Denny Chin  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: Lori G. Schwager v. Calantone Monterisi & Co., LLC  
08-Civ-10533(DC)


Your Honor:

I represent the Plaintiff, Lori G. Schwager, in the above-referenced action. I write for permission to serve a third-party subpoena pursuant to Rule 45 on Steven Lockwood of Lockwood Pension Services by Federal Express or other overnight delivery service. By process server, I have attempted to serve Mr. Lockwood with such a subpoena, but those efforts have been thwarted on several occasions. I attach an Affidavit of Attempted Service that shows the attempts at personal service, and the evidently deliberate evasion of them.

Mr. Lockwood was identified by the defendant in its initial disclosures in this action as someone who may have relevant information, and his company as the entity that purchased the over-funded pension assets of the medical practice of Dr. Robert G. Schwager. Mr. Lockwood's testimony will be relevant to an important component of Plaintiff's claim. Defendant's counsel has no objection to this request.

Approved,

SO ORDERED,

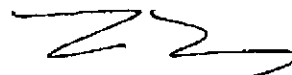


Cc: Michael Goettig, Esq.  
Vedder Price P.C.

USDS

5/20/09

Respectfully Submitted,



Thomas M. Mullaney